UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.422
3 February 1998

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Sixteenth session

SUMMARY RECORD OF THE 422nd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 8 October 1997, at 10 a.m.

Chairperson: Miss MASON

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GE.97-18476 (E)

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Togo (CRC/C/3/Add.42); core document (HRI/CORE/1/Add.38/Rev.1); List of issues (CRC/C/Q/TOGO/1)

1. At the invitation of the CHAIRPERSON, the delegation of Togo resumed its place at the Committee table.

2. The CHAIRPERSON asked the delegation to continue to reply to the questions raised at the previous meeting.

3. Mrs. AHO (Togo) said that in Togo, a minor could consult a lawyer or doctor without parental consent once he had reached the age of 18, whereas the age of majority was 21 years. The Government was planning to lower that age to 18 in order to bring it into line with the provisions of the Convention.

4. Mr. GNONDOLI (Togo) said that minor offences involving violence that did not reach the threshold beyond which the perpetrator was liable to criminal proceedings were punishable by a fine or by civil reparations, as appropriate.

5. The CHAIRPERSON invited the delegation to reply to the questions raised on basic health and welfare, as well as on education, leisure and cultural activities (questions 33 to 46 of the list of issues).

6. Mrs. AHO (Togo), replying to question 33, said that under article 83 of the Penal Code, anyone who abandoned a child who was incapable of protecting himself could be punished by imprisonment for one- to three-years. Togo had six medico-psycho-pedagogical institutions for protecting children with mental disabilities; five others were to be created shortly. The other categories of children with disabilities were taken care of by other specialized institutions. Under the tax law, children who were either under the age of 21 or disabled were considered to be dependants. Furthermore, by a Decree of 3 September 1997, the Division for Persons with Disabilities had been upgraded and made an Office in order to strengthen its action. The Social Security Code provided that allowances were to be maintained during periods when studies were interrupted owing to illness, for up to a year following the interruption.

7. Obstacles to the promotion and protection of the rights of children with physical or mental disabilities were generally related to attitudes. In the Savanna region, where there were many children with physical disabilities, they were frequently discriminated against, but an awareness-raising campaign was under way in order to change those attitudes.

8. With regard to question 34, World Bank health-care programmes had made it possible to rehabilitate village pharmacies, provide surgical equipment and train staff responsible for health care in schools and universities in ways of combating diseases and particularly diarrhoeal diseases. The programmes had also covered maternal and child health, family planning and nutrition and

health in general. Yet other programmes focused on combating infectious diseases, training in genetic defects, basic training, the planning and programming of health care and the purchase of medicines, particularly vaccines, within the framework of the Expanded Programme on Immunization (EPI). New health-care centres and community pharmacies were also planned as part of the Bamako Initiative.

9. As to question 35, Togo had designed a national health policy and come up with a health development plan that would be implemented at the prefectural, regional and national levels. Regarding the legal measures taken to combat practices prejudicial to the health of children, a bill aimed at curbing female genital mutilation had been under consideration since September 1997; however, article 47 of the Penal Code already called for a prison sentence of up to five years for anyone who intentionally perpetrated violence against a child under the age of 15. Some associations were also involved in activities in cooperation with the Ministry of Health and Social Welfare, and the problem of female genital mutilation had been considered in the drafting of the reproductive health policy.

10. Mrs. AJAVON DEDE (Togo), referring to question 37, said that under a Decree of 27 May 1991, a traditional medicine service had been created within the Community Health Division. Until traditional medicine had been placed on a legal basis, the National Association of Ethno-doctors of Togo was participating in some of the activities of the Ministry of Health, such as seminars, workshops and the drafting of the public health code. A mechanism for the supervision of traditional medicine, which was still lacking, would nonetheless require a legal basis, as well as the identification of genuine practitioners of traditional medicine by members of the profession.

11. As for question 38, consideration was being given to formulating a training policy for all categories of health personnel and reviewing the basic training programmes along the lines outlined in the Declarations of Edinburgh (1988 and 1993) and Yaoundé (1994). The review of curricula had begun with the evaluation of training programmes in teaching institutions and the preparation of questionnaires that would soon be used in the field. Refresher courses for trainers, emphasizing teaching methodology and the organization and management of continuing training, were also being considered. International cooperation was needed in such fields as specialized training, the exchange of information on experience, teachers and students, and the evaluation of teaching methods and materials.

12. Mrs. AHO (Togo) said that question 39 was related to question 25 and that prenatal allowances, family allowances, help for children's schooling and banking facilities were among the measures adopted to enable more children from needy families to have access to social security, in conformity with the provisions of the Social Security Code. A particular problem arose if a woman was neither married nor employed, as she was not then entitled to such allowances, or if the father worked in the informal sector, as there were no provisions to cover those cases. It was for that reason, that in order to fill such gaps, communities were trying to create income-generating activities for women.

13. With reference to question 40, she said that, within the framework of the Educational Support and Management Programme (PAGED), the World Bank wa supporting the construction and repair of classrooms as well as the provisi of textbooks in primary schools, with the short-term objective of providing one textbook per student. Steps were also being taken to recruit assistant teachers and reduce repeat and drop-out rates. Such action was in line wit article 35 of the Constitution, under which education was compulsory, and t State was progressively ensuring that education was free.

14. In reply to question 41, official texts were categorical and primary education was compulsory up to the age of 15 and free to all. In practice, however, there was no machinery to enforce those provisions, although schoo enrolment and attendance were encouraged by means of various incentives suc as the greater number of schools located near communities, the creation of social services within schools, the recruitment of teachers and continuing training, as well as the availability of low-cost textbooks and school supplies.

15. With regard to question 42, measures to improve the education system received external support, in particular from the World Bank, the African Development Bank, the Aid and Cooperation Fund of France, as well as many other non-governmental organizations (NGOs) active in the field within the framework of local cooperation programmes. Charitable organizations and businesses also helped with the acquisition of school supplies.

16. As for question 44, measures had been taken to narrow the existing ga between the number of boys and girls enrolled in school. Various bodies ar NGOs were committed to encouraging the enrolment and attendance of girls. United Nations Children's Fund (UNICEF), for example, had conducted surveys determine the reasons why girls did not attend school; NGOs were paying for the schooling of girls in the Savanna region, where their enrolment rate wa particularly low; and the Federation of Parent/Teacher Associations was planning an awareness-raising campaign about the need for girls to attend school. In order to ensure the coordination of those various activities in the field, the Government had created the National Monitoring Committee on Primary Education for Girls.

17. With regard to question 45, education was currently provided in Frenc in primary and secondary schools, but before the crisis children had been studying the two national languages (Ewé and Kabyè), and teachers had been trained accordingly, as knowledge of those languages facilitated communicat between the regions. The Ministry of National Education would henceforth ensure that scientific education was made available in both French and the national languages.

18. Mr. GNONDOLI (Togo), replying to questions 43 and 46, said that since 1990 the Government had endeavoured to incorporate the teaching of hu rights, including the rights of the child, into school curricula. It was that spirit that a training course in human rights teaching had been held Lomé in March 1990 for secondary schoolteachers, which had led to the subj being included in the civics curricula. In cooperation with UNICEF, the

Government had in 1995 organized a seminar on the Convention on the Rights of the Child for primary school inspectors, who had been asked to design a training programme for other teachers. Efforts were currently under way to incorporate human rights teaching into a comprehensive programme aimed in particular at making young people aware of the problems of AIDS and the environment.

19. Mrs. PALME said that much remained to be done in Togo, as the under-five mortality rate was still very high, despite the breastfeeding campaign and implementation of the "baby-friendly" hospitals initiative. The same applied to the field of education, where the enrolment gaps between boys and girls and between urban and rural areas were still quite pronounced. As the Government seemed to be well aware of the gravity of the situation, she wished to know what budgetary resources it planned to allocate to health and education, and in particular whether it intended to reallocate part of the military budget to financing activities in those areas. That would be in line with article 4 of the Convention and would also make it possible to promote greater international cooperation.

20. Mr. FULCI said he had information that 12 per cent (and even 40 to 98 per cent in certain ethnic groups) of Togolese girls and women were the victims of female genital mutilation, although the Constitution forbade the practice. Did the Government intend to do anything to curb it?

21. Mrs. KARP asked for an explanation of the statement in paragraph 62 of the report that parents who subjected a child to violence were punishable by imprisonment or a fine, a kind of punishment which was "incompatible with the provisions of the Convention". With regard to female genital mutilation, the traditional community chiefs should organize ceremonies in which the practice was merely simulated, as was done in Uganda. She also wondered whether the Government planned to pay for child care for children whose parents did not assume their responsibilities and whether any steps were planned to help parents keep children with disabilities at home. She welcomed the introduction of compulsory education in Togo but wondered to what extent the law was respected. To whom could the teachers in the rural areas turn when they learned that a child was being ill-treated within the family? Was the Government providing any specific forms of training to raise the level of teachers' qualifications?

22. Mr. RABAH asked for further information on the objectives and programmes of the Togolese Family Welfare Association (ATBEF) and of the Department for the Protection and Promotion of the Family, mentioned in paragraphs 67 and 75 of the report. Was there any coordination between the two? Why, if both parents recognized their natural child at the same time, must priority be given to the father, who then assumed the obligation of maintenance?

23. Mrs. OUEDRAOGO asked for further information on what had been done in Togo to promote the health and welfare of children as well as on the practical implementation of EPI, the programme to control diarrhoeal diseases and the safe motherhood programme for pregnant women. Were there traditional midwives in Togo, and did they receive adequate training? What did the family planning

programme consist of, and to what extent was it accessible to the rural population? Were steps being taken to encourage the population at large to participate in that programme, and had progress been made in implementing the Bamako Initiative? Were young people being taught sufficiently about AIDS and malaria?

24. Mr. FULCI said he shared Mrs. Karp's concern with regard to paragraph 62 of the report, according to which the punishment of parents who used violence against a child would be incompatible with the provisions of the Convention. He asked for further information on the subject.

25. Mrs. KARP asked whether adolescents under the age of 18 could consult a doctor without parental consent and requested information on the educational programme adopted for 1995-2000.

26. The CHAIRPERSON, speaking in her personal capacity, asked for further information on matters connected with the sexual education of young people and the prevention of adolescent pregnancy, as well as on Togo's recreational and cultural programmes, about which the report said very little. She requested an explanation of the statement made in paragraph 92 of the report that apparently it was only the State schools that received subsidies from the State, and information about the financing of private secular and religious schools.

The meeting was suspended at 11.20 a.m. and resumed at 11.35 a.m.

27. Mr. GNONDOLI (Togo) said that the Government was devising strategies for narrowing the gap between the number of boys and girls enrolled in school. The objective was to raise the enrolment rate of girls in primary schools to 80 per cent by the year 2000. In order to reach that goal, the Ministry of Education had entered into a partnership with local communities, and particularly with parent/teacher committees, in order to make parents more aware of the need for functional literacy.

28. Mrs. AHO (Togo) said that, with the help of UNICEF, the Government had established 34 early childhood protection centres throughout the country. Canteens and child nutrition centres in rural areas were managed by mothers. UNICEF had taken action to eliminate all sexist stereotypes from textbooks. Government initiatives to combat poverty and promote the principles of good governance should also encourage the schooling of girls.

29. Regarding health-related questions, vaccination was free for all children under the EPI. Thanks to the country's 400 vaccination centres and to the "vaccination days" which were heralded by media campaigns, the Government had made considerable progress in stopping outbreaks of meningitis, yellow fever and cholera. The polio eradication programme was so effective that it was even drawing women from neighbouring countries who wished to have their children vaccinated. The programme to combat diarrhoeal diseases, with its emphasis on oral rehydration therapy, had also been considerably strengthened. In addition, the Government was training midwives and matrons (traditional midwives) and strengthening traditional health structures in

order to reduce maternal and infant mortality rates. Breastfeeding was also actively promoted during the "national breastfeeding week". The Bamako Initiative, which was functioning perfectly, had made it possible for the Savanna hospital to hire two surgeons and one midwife. Furthermore, the Government had undertaken to spend 20 per cent of development assistance on education, health and child protection programmes. With regard to combating sexually transmitted diseases, the Togolese Family Welfare Association (ATBEF), the Department for the Protection and Promotion of the Family and the National Programme to Combat AIDS were cooperating closely in the awareness-raising campaigns organized in schools, prisons and villages.

30. Mr. GNONDOLI (Togo) said he had taken note of Mrs. Karp's remarks on the inadequacy of national legislation for the protection of child victims of violence and assured Committee members that the issue would be considered by the competent authorities. In practice, however, all necessary remedies were available to children. As to female genital mutilation, he said that the statistics advanced by some members of the Committee were surprising, although he recognized that in some regions, particularly the north, such practices might be more widespread than elsewhere. He acknowledged the need to consider their prevalence.

31. Mrs. AHO (Togo) said she approved of the Committee's suggestions on how to eliminate the practice. In the first place, a vast awareness-raising effort would have to be directed at those responsible for maintaining the tradition, as girls who had not been circumcised were still stigmatized by the rest of society.

32. Mr. GNONDOLI (Togo), in reply to question 47, said that although Togo was a party to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, as well as to the 1969 Convention of the Organization of African Unity (OAU), it had no specific legislation that protected refugee children. Such children could nonetheless receive assistance under the programme for the protection of vulnerable populations.

33. Regarding question 48, Togo was not considering ratification of the 1961 Convention on the Reduction of Statelessness or of the 1954 Convention relating to the Status of Stateless Persons, undoubtedly because statelessness was only of minor importance in Togo. As to minors in trouble with the law (question 49), children under the age of 13 were not considered to incur criminal responsibility. When a child between the age of 13 and 18 committed an offence, he was arrested and brought before the juvenile judge, who had to give priority to educational measures. In any event, no child under 16 could be imprisoned, and the detention of minors of over 16 was ordered only on an exceptional basis, in cases of serious offences or recidivism. In addition, since pre-trial proceedings were compulsory for minors, the flagrante delicto procedure did not apply to them. The assistance of an attorney in the juvenile court was compulsory and free.

34. Mrs. AHO (Togo), replying to the questions on the situation of children in prison (question 50), said that the Brigade pour mineurs was a centre for the protection of children in trouble with the law, and was administered

jointly by the police and the social services. It was true that minors wer detained with adults outside the capital, but the length of detention was quite short. Nonetheless, the question of the separation of minors and adu in prisons, and even in police stations, was being examined. Children's detention centres were managed by a social worker or specialized educator a supervised by the regional Department for Social Protection and the Departm for the Protection and Promotion of the Family, which prepared quarterly reports on the inmates. Cases of ill-treatment could be referred to the juvenile magistrate by the Department for the Protection and Promotion of t Family, the police or any other body. Some detention centres also had scho open to the outside world so as to avoid marginalizing the children, and al the necessary medical and social services were available in each establishment.

35. As to child labour (question 51), a study was being undertaken in cooperation with NGOs working in the field, such as Terre des Hommes, and t Ministry of the Interior had taken steps to monitor the cross-border moveme of children. Consulates no longer issued visas to minors without first consulting a social worker. Child labour was also the subject of an extens information campaign in the regions most affected.

36. With regard to drug abuse (question 52), the National Anti-Drug Committee was preparing a plan of action for the prevention of drug abuse a the rehabilitation and treatment of young drug addicts, who were also looke after through an informal network of practitioners. Walk-in centres were planned for young addicts, and the Government was endeavouring to inform social workers, journalists, educators and the children themselves about th ravages of drugs. In addition, Parliament had agreed to review the legislation making drug traffic, possession and use punishable offences. However, it was true that the inadequacy of re-education and rehabilitation measures continued to pose serious problems.

37. Mr. GNONDOLI (Togo), in reply to question 53, said that under article of the Penal Code, all perpetrators or accomplices of rape whose victims we minors between 14 and 18 years of age, were punished with a 5- to 10-year prison sentence. If the child was under 14, the sentence was 20 years. As for question 54 in the list of issues, he said that articles 91 to 94 of th Penal Code made soliciting and procuring punishable offences. The concepts child trafficking and sale did not exist in Togo, although such activities were punishable under article 78 of the Penal Code on the corruption, abduction or transfer of children against the will of those exercising parental authority. A quadripartite convention on traffic in drugs, arms a children had been signed with Benin, Ghana and Nigeria. Moreover, under article 36 of the Constitution, the State protected young people against al forms of exploitation or manipulation and, following the Stockholm World Congress against Commercial Sexual Exploitation of Children, it was doing more to prevent the sexual abuse of children.

38. Mr. FULCI asked if children were frequently detained with adults. Citing a recent article in the United States press, according to which

Togolese children continued to be abducted in order to be sold as domestic workers in Gabon and Nigeria, he asked the delegation to provide more details on the extent of that practice.

39. Mrs. KARP asked whether there were any plans to train and appoint judges specialized in juvenile justice. She was concerned by the length of pre-trial detention for minors, asked for statistics on the subject and wished to know what the Government was doing to shorten, if not eliminate, the long periods of such detention.

40. Mrs. AHO (Togo) said that trafficking in children was a real problem which was of concern to the Government. In general, however, children were not abducted, but left home with the consent of their parents, having been enticed with promises of a better life. Girls in particular thought they could find a job and earn the money needed to provide themselves with a dowry. Nevertheless, since the emergence of that type of traffic - in about 1993 - the Government had been cooperating with the Governments of neighbouring countries, particularly Gabon, to remedy the situation. In several cases, Togolese girls had been brought home with diplomatic assistance and returned to their families. They were then followed up by social services and some of them received support from NGOs such as Terre des Hommes. The Togolese authorities had really become aware of trafficking in children after the Stockholm Congress.

41. Juvenile delinquents were not detained for long periods before being tried, but were in fact placed in juvenile detention centres for rather brief periods which generally did not exceed two or three months, after which they could be placed in other institutions while awaiting trial. While the delegation did not have statistics on the pre-trial detention of juveniles, it would make them available to the Committee if it so wished.

42. Mrs. PALME asked whether steps had been taken with regard to children in armed conflicts.

43. Mrs. AHO (Togo) said that, owing to trouble in certain parts of the country, families had had to flee their homes and settle elsewhere. The children of such families were taken care of by the Government through the Ministry of Social Protection, which paid allowances covering resettlement costs and schooling for the children. In addition, the situation of displaced children was monitored at all levels by the social services as well as by several international bodies and NGOs.

44. It was true that since the beginning of the decade there were hardly any centres for leisure activities in Togo, apart from a few private sites, but the Government was now trying to include leisure activities in school curricula, and the Ministry of Tourism was trying to promote leisure activities in both the urban and rural areas.

45. The CHAIRPERSON thanked the delegation of Togo for its replies to the questions on the list of issues. She invited the members of the Committee to present their comments following the three meetings it had devoted to consideration of the initial report of Togo.

46. Mrs. OUEDRAOGO commended the delegation on the presentation of its report; thanks to the information provided, the Committee was better able to understand the difficulties encountered by the Government in implementing the Convention. In her view, government action should focus on the effective launching of the activities of the National Committee for the Protection and Promotion of the Child (CNE), the harmonization of legislation, the adoption of the Children's Code, the continuation of campaigns to publicize the Convention, the adoption of the National Plan of Action for Children, the strengthening of action on behalf of children and the development of children's shelters. The implementation of the Convention was an ongoing process covering several areas of social development, and she wished the Government every success in its endeavours.

47. Mr. FULCI said he was most impressed by the spontaneity, candour and honesty with which the delegation had acknowledged existing shortcomings in Togo with regard to the protection of the rights of the child and listed the measures and actions that were being taken despite limited resources. He urged the Government to do everything possible to give the CNE the means to function effectively, as it could become the cornerstone for the protection of the rights of the child in Togo.

48. Mrs. KARP said the Government should without delay complete the task of bringing its laws into line with the provisions of the Convention, as clear and comprehensive legislation gave rise to the major principles governing respect for the rights of the child, on the basis of which awareness-raising and information campaigns should be organized. The results of the Committee's consideration of the report should be widely circulated within the Government as well as to the public at large.

49. Mrs. PALME welcomed the fact that the Government had already implemented many measures for the protection of the rights of the child, particularly after the Stockholm Congress, and was pleased to note that Togo had ratified International Labour Organization Convention No. 138. She hoped that the Government would refer to the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, adopted in 1993 by the General Assembly, in connection with article 23 of the Convention. Moreover, the Government should endeavour to ensure equality between boys and girls; even though it appeared that women and girls were already playing an important role in Togolese society, they should be offered every possibility of educating themselves. Another area of concern was the inadequacy of expenditure on education and health. The Government should envisage the reallocation of its financial resources by reducing military expenditures in favour of social development. Generally speaking, the authorities should adopt an overall view of the principles embodied in the Convention so that the dignity of the child could be ensured in all areas. She wished the Togolese authorities every success in their work on behalf of children.

50. Mr. RABAH said he was gratified by the fruitful dialogue between the Committee and the Togolese delegation. He stressed the importance of bringing national legislation into line with the letter and the spirit of the Convention and called on the Togolese authorities to continue working to that end.

51. The CHAIRPERSON thanked the delegation for its participation. By ratifying the Convention, the Government had assumed a commitment to both children and the international community, which it should now honour. The steps it had already taken to implement the Convention were to be commended, but as the Government itself recognized, much remained to be done. Specifically, action must be taken to ensure that the CNE functioned properly. The Government must also create the means to gather reliable information, since accurate data were important in policy implementation matters. Moreover, everything should be done to bring about a change in attitudes and behaviour to ensure greater respect for the rights of the child.

52. The Committee would evaluate the progress made in Togo in the protection of the rights of the child when it considered the country's second periodic report in five years' time.

53. Mr. GNONDOLI (Togo) said that his delegation was both touched and encouraged by the words of the Committee. He was grateful for its suggestions and recommendations, which he would not fail to transmit to his Government, particularly those concerning the harmonization of domestic legislation with the provisions of the Convention. Although there was undeniably a gap between the political will of the Government and the reality of daily life, it was basically due to a lack of resources. However, Togo was determined to carry out the sectoral programmes it had adopted, and the Government had identified a number of activities it hoped to implement on a priority basis, namely, combating infant and maternal malnutrition, improving health coverage for children and continuation of the vaccination programme, curbing the domestic work of children and intensification of programmes for the education of children, especially girls. The Government would also try to make the population more aware of the principles of the Convention and provide better training for teachers, judges and the activists of associations for the protection of the rights of the child, provide the CNE with resources, pursue the process of adopting the Children's Code, support the activities of the social services and ensure the dissemination of international instruments translated into national languages. To that end, the Togolese authorities would ask for contributions and support from such international bodies as UNICEF, UNESCO, the World Bank, ILO and the Committee on the Rights of the Child. He assured the Committee of his Government's desire to continue the cooperation that had been established.

The meeting rose at 1 p.m.